DETAILED ACTION

1.   This is the initial Office Action based on the 10/538610 application filed on June

10, 2005. Claims 1-10, as a 371 of PCT/IB03/05637 filed on 12/01/2003 is foreign

application (EPO) 02102742.0 filed on 12/12/2002, are currently pending and have

been considered below.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US

Patent 5,693,902 issued to Geoffrey Calvin Hufford et al. (hereinafter Hufford); in view

of US 2004/0001081 A1 published by David J. Marsh (hereinafter Marsh) .

Regarding claim 1. Fig. 1 of Hufford illustrates "a system 10] " contains audio block

sequence compiler [16] "for generating sequences of audio or video contents (A . . .

I)"[19], the system 10 comprises "a memory or access facilities [14] for providing

contents (A . . . I)[24]" at a user interface [17], user selects a segment from [24] in [14]

that is communicated to [16] "with additional data being provided together with the

contents (A . . . I)", under control of a software program running on PC [12] is executed

by processor [13]; "selection means (20)[16] compiles "a play sequence (S)[19]",

"wherein the selection means (20)[16] access a user profile (P) with selection criteria"

from user interface [17] (**Hufford, col. 2 line35 to col. 3 line 9**) .Fig. 2 of Hufford

presents "determine a content evaluation number for contents (A . . . I)"is compiled by

[16] in encoding table [26] "from matching the associated additional data with the

selection criteria" [aesthetic criteria], "is determined for play sequences (S)[19]

composed of available contents (A . . . I)[36] by the user, the content evaluation

numbers of the contents (A . . . I) [36] arranged by compatible block [34] therein are

taken into account when determining the sequence evaluation number, and the play

sequence (S)[19] is selected in accordance with its compatible list [34]". (**Hufford, Figs.**

3A-3B, 4, col. 3 lines 9-67)

However, Hufford fails to disclose "a sequence evaluation number is determined for play

sequences (S) composed of available contents (A . . . I)".

In an analogous art directed toward a similar problem namely improving the results from

a sequence evaluation number. Fig. 7 of Marsh illustrates "a sequence evaluation

number is determined" by [616] based on user's profile [606] and content files [618] "for

play sequences (S) composed of available contents (A . . . I)".(**Marsh, ¶0129,¶0141**).

Accordingly, it would have been obvious to someone having ordinary skill in the art at

the time of the invention was made to modify the audio sequence generator 10 of

Hufford with a recommendation score as taught by Marsh to evaluate the media

contents for playing sequence or recording into memory for future use.

Regarding claim 2. A system as claimed in claim 1, Marsh also teaches "wherein correlation values between the contents (A . . . I) are taken into account when determining the sequence evaluation number **(Marsh, ¶0139, ¶0140 and ¶0186).**

Regarding claim 3. A system as claimed in claim 2, Marsh also teaches "wherein the sequence evaluation number is decreased when there is a negative correlation value) [0-50% range] between two contents (A . . . I) and the sequence evaluation number is increased when there is a positive correlation value [above 60% range] between two contents (A . . . I) **(Marsh, ¶0141 and ¶0186)**.

Regarding claim 4. A system as claimed in claim, Fig. 7 of Marsh explicitly shows "wherein rules for determining correlation values between contents are indicated in the user profile (P) [606], and the indicated rules are taken into account when determining the sequence evaluation number **(Marsh, ¶0129)**.

Regarding claim 5. A system as claimed in claim 1, Marsh also teaches "wherein the sequence evaluation number is determined as a weighted sum of content evaluation numbers" **(Marsh, ¶0117, ¶0125)**.

Regarding claim 6. A system as claimed in claim 1, Figs. 2, 4 and 5 of Hufford also discloses "wherein a predetermined duration (T) [30] of the play sequence (S) [19] and the play duration of the contents (A . . . I) are taken into account when determining the sequence evaluation number. **(Hufford, Figs. 2, 4, col. 3 line 42- col. 5 line5)**

Regarding claim 7. A system as claimed in claim 1, Hufford teaches "wherein the additional data comprise costs incurred when requesting the corresponding contents (A . . . I)". **(Hufford, col. 1 lines 20-30)**

Regarding claim 8. A system as claimed in claim 1, Marsh also teaches "wherein the additional data comprise keywords to the content of the corresponding contents (A . . . I). **(Marsh, ¶0126)**.

Regarding claim 9. A system as claimed in claim 1, Fig. 1 of Hufford shows "wherein the selection means [10] comprises (one computer" (20) [PC 12] with a program for realizing the selection function" **(Hufford, col. 2 lines 48-59)**.

Regarding claim 10: the same limitation of claim 1, so claim 10 has the same ground rejection of claim 1 (see discussion in claim 1)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. L./
Examiner, Art Unit 2623

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623